

**United States District Court
Middle District of Tennessee**

Office of the Clerk
800 United States Courthouse
Nashville, Tennessee 37203
(615) 736-7396

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THOMAS H. COLE
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

E-Mail: Joyce_A_Brooks@tnmd.uscourts.gov
Web Site: www.tnmd.uscourts.gov

May 12, 2010

Clerk
U. S. District Court
Clifford Davis and Odell Horton
Federal Building
167 North Main Street, Room 242
Memphis, TN 38103

Re: TRANSMISSION OF RULE 5 DOCUMENTS

USA v. William Harness

Western District of Tennessee Case No. 10-20194 - *MAYS*

Middle District of Tennessee Magistrate Case No. 10-3028

Dear Clerk:

Enclosed please find certified copies of Rule 5 paperwork for the above-reference case.

Sincerely,



Joyce A. Brooks
Criminal Docketing Clerk

Enclosures

cc: U. S. Marshal Service
U. S. Probation Office

**U.S. District Court
Middle District of Tennessee (Nashville)
CRIMINAL DOCKET FOR CASE #: 3:10-mj-03028 All Defendants
Internal Use Only**

Case title: USA v. Harness

Date Filed: 05/10/2010

Date Terminated: 05/10/2010

Assigned to: Magistrate Judge Joe Brown

Defendant (1)**William Harness***Rule 5 to the Western District of Tennessee**TERMINATED: 05/10/2010*

represented by **Hugh Michael Mundy**
Federal Public Defender's Office
810 Broadway
Suite 200
Nashville, TN 37203
(615) 736-5047
Email: hugh_mundy@fd.org
ATTORNEY TO BE NOTICED

Pending Counts

None

Disposition**Highest Offense Level (Opening)**

None

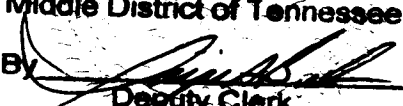
Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**



None










Complaints21:846 and 21:843(b) Attempt to possess with intent
to distribute a controlled substance**Disposition**

**ATTEST AND CERTIFY
A TRUE COPY**
Clerk
U.S. District Court
Middle District of Tennessee
By 
Deputy Clerk

Plaintiff**USA**

represented by **Matthew John Everitt**
Office of the United States Attorney (MDTN)
110 Ninth Avenue, S
Suite A961
Nashville, TN 37203-3870
(615) 736-2113
Fax: (615) 736-5323
Email: matthew.everitt@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/10/2010	 1	Warrant issued in the Western District of Tennessee on 4/28/10 returned executed on 5/10/10 as to William Harness. (jb) (Entered: 05/12/2010)
05/10/2010		Arrest (Rule 5) of William Harness on 5/10/10. (jb) (Entered: 05/12/2010)

05/10/2010	 <u>2</u>	Minute Entry for proceedings held before Magistrate Judge Joe Brown: Initial Appearance in Rule 5(c) (3) Proceedings as to William Harness held on 5/10/2010. Identity Hearing waived. Deft appeared with appointed counsel Hugh Mundy. Deft released on own recognizance to appear in the Western District of Tennessee when notified. (jb) (Entered: 05/12/2010)
05/10/2010	 <u>3</u>	WAIVER of Rule 5 & 5.1 Hearings by William Harness. (jb) (Entered: 05/12/2010)
05/10/2010	 <u>4</u>	ACKNOWLEDGMENT by William Harness of receipt and review of Notice and Explanation of Rights. (jb) (Entered: 05/12/2010)
05/10/2010	 <u>5</u>	CJA 23 Financial Affidavit by William Harness. (jb) (Entered: 05/12/2010)
05/10/2010	 <u>6</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to William Harness. Signed by Magistrate Judge Joe Brown on 5/10/10. (jb) (Entered: 05/12/2010)
05/10/2010	 <u>7</u>	ORDER Setting Conditions of Release as to William Harness: Deft released on own recognizance to appear in the Western District of Tennessee as notified. Signed by Magistrate Judge Joe Brown on 5/10/10. (jb) (Entered: 05/12/2010)
05/10/2010	 <u>8</u>	ORDER Requiring a Defendant to Appear in the District Where Charges are Pending and Transferring Bail as to William Harness. Deft to appear as notified in the Western District of Tennessee. Signed by Magistrate Judge Joe Brown on 5/10/10. (jb) (Entered: 05/12/2010)
05/10/2010		(Court only) ***Case closed. (jb) (Entered: 05/12/2010)
05/12/2010	 <u>9</u>	Rule 5(c)(3) Documents Transmitted as to William Harness to the Western District of Tennessee. (jb) (Entered: 05/12/2010)

AO 442 (Rev. 01/09) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
Western District of Tennessee

United States of America
v.

WILLIAM HARNESS

Defendant

Case No. 10-20194

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) WILLIAM HARNESS
who is accused of an offense or violation based on the following document filed with the court:

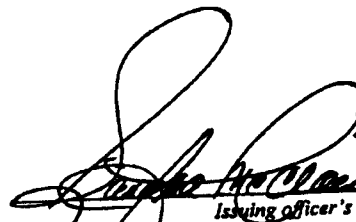
- ☒ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

21 U.S.C. § 846- Attempt to possess with intent to distribute a controlled substance; and
21 U.S.C. § 843(b)- Possession of equipment, chemicals, products and materials which may be used to manufacture a controlled substance.

Date: 04/28/2010

City and state: Memphis, TN 38103


Issuing officer's signature

THOMAS M. GOULD, CLERK U.S. DISTRICT COURT
Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) 5-10-2010
at (city and state) Nashville TN

Date: 5-10-2010

**TEST AND CERTIFY
A TRUE COPY**

Clerk
U.S. District Court
Middle District of Tennessee


Arresting officer's signature
TFO Mike Perez DEA
Printed name and title

By 

Deputy Clerk

CRIMINAL MINUTES
MAGISTRATE JUDGE BROWN

TIME: 26 min.

UNITED STATES OF AMERICA v William Herness
CRIMINAL No. 10-mj-3028 OUT-OF-DISTRICT NO. 10-20194 WD-TN
INTERPRETER REQUIRED _____ LANGUAGE _____

MAGISTRATE JUDGE'S RESUME

INITIAL HEARING HELD: 5-10-10 Defendant Arrested: 5-10-10

Government represented by: Matt Everett
Defendant advised of contents of Complaint/Indictment/Information x
Defendant advised of constitutional rights x
Defendant advised of right to preliminary hearing _____
Defendant appeared with counsel: NO YES Name: Hugh Mundy
Financial Affidavit filed: YES
Federal Public Defender appointed: YES
Government filed motion for Detention: NO YES
Defendant temporarily detained: NO YES
Defendant is in State custody: NO
Defendant released on OR w/ conditions bond

PRELIMINARY/IDENTITY HEARING HELD: _____ WAIVED: _____

Bound Over/Discharged/Held to Answer in District of Prosecution

DETENTION HEARING HELD: set WAIVED _____

Defendant appeared with counsel: NO YES Name _____
Bond set at _____ Released on OR bond w/conditions
Defendant detained until trial, order entered _____

ATTEST AND CERTIFY
A TRUE COPY

GRAND JURY WAIVED: _____

Clerk
U.S. District Court
Middle District of Tennessee

ARRAIGNMENT HELD: _____ WAIVED: _____

By [Signature]
Deputy Clerk

Defense counsel: _____
Defendant acknowledges he/she has copy of Indictment/Information x
Waives reading thereof _____ Plea: Not Guilty
Intends to plead guilty and referred to District Judge _____
Defendant consented to trial before Magistrate Judge: NO YES
Defendant did not appear, bench warrant issued _____
Continued to: _____

OTHER:

Defendant appeared on _____ to apply for appointment of counsel
Financial affidavit filed: NO YES
Federal Public Defender appointed: NO YES

Date defendant first appeared with counsel other than one of the above:

Name of counsel: _____
Type of Hearing: _____

UNITED STATES DISTRICT COURT
for the

United States of America
v.

William Harness
Defendant

Case No. 10-mj-3028 MB

Charging District's Case No. 10-20194

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)

I understand that I have been charged in another district, the (name of other court) Western District-Tenn.

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☐ a preliminary hearing. N/A
- ☐ a detention hearing. N/A
- ☐ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 5-10-10

ATTEST AND CERTIFY
A TRUE COPY

Clerk
U.S. District Court
Middle District of Tennessee

By [Signature]
Deputy Clerk

[Signature]
Defendant's signature

[Signature]
Signature of defendant's attorney

HUGA MURPHY
Printed name of defendant's attorney

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA

v.

NO. 10-mj-3028

William Harness

ACKNOWLEDGMENT OF RECEIPT AND REVIEW
OF NOTICE AND EXPLANATION OF RIGHTS

I, William Harness, hereby state that I have read the foregoing
"Important Notice to Defendant and Explanation of Rights and Proceedings" (or that it has been
explained to me), that I understand my rights as set forth therein, and that I have been provided with
a copy of the foregoing Notice.

Signed in open Court this 10th Day of May, 20 10.

William Harness

Signature of Defendant

[Signature]

Signature of Counsel

[Signature]

Signature of Judicial Officer

ATTEST AND CERTIFY
A TRUE COPY

Clerk
U.S. District Court
Middle District of Tennessee

By [Signature]
Deputy Clerk

FINANCIAL AFFIDAVIT
IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE

IN UNITED STATES ☐ MAGISTRATE ☐ DISTRICT ☐ APPEALS COURT or ☐ OTHER PANEL (Specify below)

IN THE CASE OF

V.S.

FOR
AT

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)
William Curtis HARNESSE JR

- ☐ Defendant—Adult
- ☐ Defendant - Juvenile
- ☐ Appellant
- ☐ Probation Violator
- ☐ Parole Violator
- ☐ Habeas Petitioner
- ☐ 2255 Petitioner
- ☐ Material Witness
- ☐ Other

DOCKET NUMBERS
Magistrate
District Court
Court of Appeals

CHARGE/OFFENSE (describe if applicable & check box →) ☐ Felony ☐ Misdemeanor

ASSETS	EMPLOYMENT	Are you now employed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Am Self-Employed Name and address of employer: <u>MASSBAUM MUSIC ENT.</u> IF YES, how much do you earn per month? \$ <u>1500.00 - 2000.00</u> IF NO, give month and year of last employment _____ How much did you earn per month? \$ _____ If married is your Spouse employed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IF YES, how much does your Spouse earn per month? \$ _____ If a minor under age 21, what is your Parents or Guardian's approximate monthly income? \$ _____	
	OTHER INCOME	Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IF YES, GIVE THE AMOUNT RECEIVED & IDENTIFY THE SOURCES RECEIVED \$ _____ SOURCES _____	
	CASH	Have you any cash on hand or money in savings or checking accounts? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IF YES, state total amount \$ _____	
	PROPERTY	Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IF YES, GIVE THE VALUE AND DESCRIBE IT VALUE _____ DESCRIPTION _____	

OBLIGATIONS & DEBTS	DEPENDENTS	MARITAL STATUS <input type="checkbox"/> SINGLE <input checked="" type="checkbox"/> MARRIED <input type="checkbox"/> WIDOWED <input type="checkbox"/> SEPARATED OR DIVORCED	Total No. of Dependents <u>5</u>	List persons you actually support and your relationship to them <u>Wife, 3 girls, 1 boy (kids)</u>
---------------------	------------	--	-------------------------------------	---

OBLIGATIONS & DEBTS	DEBTS & MONTHLY BILLS (LIST ALL CREDITORS, INCLUDING BANKS, LOAN COMPANIES, CHARGE ACCOUNTS, ETC.)	APARTMENT OR HOME: <u>Home (Rent)</u> <u>Medical bills</u> <u>Town's Auto</u> <u>UTILITIES - LIGHTS, WATER ETC.</u>	Creditors	Total Debt	Monthly Paymt.
				\$ <u>17,000.00</u> \$ <u>11,000</u> \$ _____	\$ <u>1350.00</u> \$ <u>400.00</u> \$ <u>300.00</u>

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date) 5-10-10

ATTEST AND CERTIFY A TRUE COPY
SIGNATURE OF DEFENDANT (OR PERSON REPRESENTED) [Signature]

Clerk
U.S. District Court
Middle District of Tennessee

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA

v.

10-mj-3028 MB

William Harness

ORDER

On the basis of the defendant's affidavit in this cause, the Court determines that the defendant:

☐ is financially able to employ counsel and, therefore, denies his application for appointment of counsel at government expense.

☒ is financially unable to employ counsel and appoints the Office of the Federal Public Defender to represent him.


☒ is financially unable to pay the fee of any witness and pursuant to Rule 17(b), Federal Rules of Criminal Procedure, Title 18 U.S.C., the Clerk shall issue a subpoena for any witness, PROVIDED that the defendant and his counsel shall submit subpoenas only for those witnesses whose presence is necessary to present an adequate defense to the charge of charges.

☐ Upon motion of the Government, the Court may order repayment or partial repayment from the defendant for the attorney and witness fees for these services Should it appear that the defendant has such ability at a later time.

It is so ORDERED.

Dated:

5-10-10


JOE B. BROWN

United States Magistrate Judge

cc: United States Attorney
Federal Public Defender
United States Marshal
United States Probation

ATTEST AND CERTIFY
A TRUE COPY

Clerk

U.S. District Court

Middle District of Tennessee

By 

Deputy Clerk

UNITED STATES DISTRICT COURT

for the

Middle District of *Tennessee*

United States of America

v.

William H. Harsco
DefendantCase No. *10-mj-3028 MB*

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate any federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must immediately advise the court, defense counsel, and the U.S. attorney in writing before any change in address or telephone number.
- (4) The defendant must appear in court as required and must surrender to serve any sentence imposed

The defendant must appear at (if blank, to be notified) _____

Place

on _____

Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released on condition that:

- (☒) (5) The defendant promises to appear in court as required and surrender to serve any sentence imposed.
- (☐) (6) The defendant executes an unsecured bond binding the defendant to pay to the United States the sum of _____ dollars (\$ _____) in the event of a failure to appear as required or surrender to serve any sentence imposed.

ATTEST AND CERTIFY
A TRUE COPY

Clerk

U.S. District Court
Middle District of TennesseeBy *[Signature]*

Deputy Clerk

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICES U.S. ATTORNEY U.S. MARSHAL

ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the defendant's appearance and the safety of other persons or the community, IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

() (7) The defendant is placed in the custody of:

Person or organization _____

Address (only if above is an organization) _____

City and state _____

Tel. No. (only if above is an organization) _____

who agrees (a) to supervise the defendant in accordance with all of the conditions of release, (b) to use every effort to assure the defendant's appearance at all scheduled court proceedings, and (c) to notify the court immediately if the defendant violates any condition of release or disappears.

Signed: _____

Custodian or Proxy

Date _____

() (8) The defendant must:

() (a) report to the _____

telephone number _____, no later than _____

() (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: _____

() (c) post with the court the following proof of ownership of the designated property, or the following amount or percentage of the above-described sum _____

() (d) execute a bail bond with solvent sureties in the amount of \$ _____

() (e) maintain or actively seek employment.

() (f) maintain or commence an education program.

() (g) surrender any passport to: _____

() (h) obtain no passport.

() (i) abide by the following restrictions on personal association, place of abode, or travel: _____

() (j) avoid all contact, directly or indirectly, with any person who is or may become a victim or potential witness in the investigation or prosecution, including but not limited to: _____

() (k) undergo medical or psychiatric treatment: _____

() (l) return to custody each (week) day at _____ o'clock after being released each (week) day at _____ o'clock for employment, schooling, or the following purpose(s): _____

() (m) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

() (n) refrain from possessing a firearm, destructive device, or other dangerous weapons.

() (o) refrain from () any () excessive use of alcohol.

() (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

() (q) submit to any testing required by the pretrial services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which is (are) required as a condition of release.

() (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it advisable.

() (s) participate in one of the following location monitoring program components and abide by its requirements as the pretrial services officer or supervising officer instructs.

() (i) **Curfew.** You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; or

() (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the pretrial services office or supervising officer; or

() (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down except for medical necessities and court appearances or other activities specifically approved by the court.

() (t) submit to the location monitoring indicated below and abide by all of the program requirements and instructions provided by the pretrial services officer or supervising officer related to the proper operation of the technology.

() The defendant must pay all or part of the cost of the program based upon your ability to pay as the pretrial services office or supervising officer determines.

() (i) Location monitoring technology as directed by the pretrial services office or supervising officer;

() (ii) Radio Frequency (RF) monitoring;

() (iii) Passive Global Positioning Satellite (GPS) monitoring;

() (iv) Active Global Positioning Satellite (GPS) monitoring (including "hybrid" (Active/Passive) GPS);

() (v) Voice Recognition monitoring.

(X) (u)

see attached Page 3

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICES U.S. ATTORNEY U.S. MARSHAL

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

United States of America

v.

William Harness
Defendant

)
) Case No. 10-mj-3028 MB
)

) Charging District: WD-TN
)

) Charging District's Case No. 10-20194
)

ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT
WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL

After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Place:

Courtroom No.:

Date and Time:

The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending.

Date: 5-10-10

Joe B. Brown

Judge's signature

Joe B. Brown, U.S. Magistrate Judge

Printed name and title

ATTEST AND CERTIFY
A TRUE COPY

Clerk

U.S. District Court

Middle District of Tennessee

By

[Signature]
Deputy Clerk

**United States District Court
Middle District of Tennessee**

Office of the Clerk
800 United States Courthouse
Nashville, Tennessee 37203
(615) 736-7396

E-Mail: Joyce_A_Brooks@tnmd.uscourts.gov
Web Site: www.tnmd.uscourts.gov

May 12, 2010

Clerk
U. S. District Court
Clifford Davis and Odell Horton
Federal Building
167 North Main Street, Room 242
Memphis, TN 38103

Re: TRANSMISSION OF RULE 5 DOCUMENTS
USA v. William Harness
Western District of Tennessee Case No. 10-20194
Middle District of Tennessee Magistrate Case No. 10-3028

Dear Clerk:

Enclosed please find certified copies of Rule 5 paperwork for the above-reference case.


Sincerely,



Joyce A. Brooks
Criminal Docketing Clerk

Enclosures

cc: U. S. Marshal Service
U. S. Probation Office

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U. S. District Court
Middle District of Tennessee
By  Deputy Clerk

Clerk
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Clifford Davis and Odell Horton
Federal Building
167 North Main Street, Room 242
Memphis, TN 38103

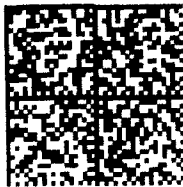
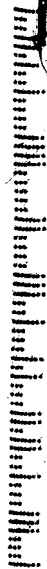
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CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

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UNITED STATES DISTRICT COURT
NASHVILLE, TN 37203
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CLERK U.S. DISTRICT COURT
NASHVILLE, TN 37203